

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAVID POWELL,

Plaintiff,

v.

CITIBANK SOUTH DAKOTA N.A.,

Defendant.

Case No. FILED: MAY 13, 2008

08CV2755 TG

JUDGE NORGLE

MAGISTRATE JUDGE COLE

DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION

TO: The United States District Court
for the Northern District of Illinois
219 S. Dearborn Street
Chicago, IL 60604

Pursuant to 28 U.S.C. §§ 1441 *et seq.*, Defendant, CITIBANK (SOUTH DAKOTA), N.A., ("Citibank"), by and through its undersigned counsel, hereby removes the action titled David Powell v. Citibank South Dakota N.A., filed and pending in the Circuit Court of Cook County, Illinois, Case No. 08 M6-1767, (the "Action"), to the United States District Court for the Northern District of Illinois, Eastern Division, on the following grounds:

1. On or about April 21, 2008, Citibank received service by mail of the Summons and Complaint in the Action.
2. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal of Action is timely filed within thirty (30) days after receipt of service by Citibank of a copy of the Summons and Complaint.
3. The Action may be removed to this Court pursuant to 28 U.S.C. § 1441(a)

which states, “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

4. This Court has original subject matter jurisdiction of this Action pursuant to 28 U.S.C § 1331 based upon federal questions cited in the Plaintiff’s complaint pursuant to Fair Credit Reporting Act , 15 U.S.C. §1681 *et seq.*

5. Pursuant to 28 U.S.C. § 1441(a), this Court is the proper district court for removal because the Cook County Circuit Court is located within the Northern District of Illinois.

6. True and correct copies of all pleadings, process, and orders served upon Citibank in the Action are attached in composite Exhibit A.

7. In accordance with 28 U.S.C. § 1446(d), Citibank is simultaneously filing a copy of this Notice of Removal of Action with the Clerk of the Circuit Court of Cook County, Illinois, Sixth Municipal District, Markham in the Action. Also, Citibank will serve Plaintiff with copies of this Notice of Removal and the Notice filed in the Action.

8. By virtue of this Notice of Removal of Action and the Notice filed in the Action, Citibank does not waive its rights to assert any personal jurisdictional defense or other motions including Rule 12 motions and/or motions to compel arbitration permitted by the Federal Rules of Civil Procedure.

9. Pursuant to Federal Rules of Civil Procedure 81(c) and 6, Citibank will file responses to the Complaint within the time proscribed by said rules and any extensions granted.

WHEREFORE, Defendant CITIBANK (SOUTH DAKOTA), N.A. respectfully requests that the above captioned notice now pending in the Circuit Court of Cook County, Sixth Municipal District, be removed to the U.S. District Court for the Northern District of Illinois, Eastern Division, and enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice.

Respectfully submitted,

s/Vincent Vigil
Vincent Vigil
35 East Wacker Drive, Suite 500
Chicago, IL 60601
Phone 312.566.0040
Fax 312.566.0041
E-mail Vincent_vigil@gshllc.com

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: N/A, and I certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

David Powell
P.O. Box 5282
Lansing, IL 60438

s/Vincent Vigil
Vincent Vigil
35 East Wacker Drive
Suite 500
Chicago, IL 60601
Phone 312.566.0040
Fax 312.566.0041
E-mail: vincent_vigil@gshllc.com

MAGISTRATE JUDGE COLE

2120 - Served 2220 - Not Served 2620 - Sec. of State

2121 - Alias Served 2221 - Alias Not Served 2621 - Alias Sec. of State

Summons form replaces CCM 0646, CCM1 0646, CCM1 0651, CCMD 0648, and CCMD 0649-2 thru 6) CCM N649-60M-9/15/06 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

6th MUNICIPAL DISTRICT

Name All Parties

MR DAVID POWELL
Plaintiff(s)

v.

CTI BANK SOUTH DAKOTA NA
Defendant(s)
P.O. BOX 6500
SIOUX FALLS, SD 57117-6500
Address of Defendant(s)

Case No. 08mb-1767

Amount Claimed: \$ 12,000 + CC

Appearance Filing/Return Date: 5-13-08

Status Date: 5-22-08

Trial Date: _____

Time: 9am Room: 207

To each Defendant:

YOU ARE SUMMONED and required:

FEE SUMMONS WAIVED

1. To file your written appearance by yourself or your attorney and pay the required fee in:

- ☐ District 1: Richard J. Daley Center; 50 West Washington, Room 602; Chicago, IL 60602
☐ District 2: 5600 Old Orchard Rd., Rm 136; Skokie, IL 60077 ☐ District 5: 10220 S. 76th Ave., Rm 121; Bridgeview, IL 60455
☐ District 4: 1500 Maybrook Dr., Rm 236; Maywood, IL 60153

on 08, between the hours of 8:30 a.m. and 2:30 p.m.;

☐ District 3: 2121 Euclid, Rm 121; Rolling Meadows, IL 60008 ☒ District 6: 16501 S. Kedzie Pkwy., Rm 119; Markham, IL 60428
on 5-13, 08, before 9:00 a.m.

2. File your answer to the complaint before 9:00 a.m. as required by the applicable subsections of Paragraph 3 or 4 in the NOTICE TO THE DEFENDANT on the reverse side.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT, A COPY OF WHICH IS HERETO ATTACHED.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service, and not less than 3 days before the day for appearance. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than 3 days before the day for appearance.

THERE WILL BE A FEE TO FILE YOUR APPEARANCE. SEE FEES ON THE REVERSE SIDE OF THIS FORM.

Atty No.: PRO SE
Name: DAVID POWELL
Atty for: PRO SE
Address: P.O. BOX 5252
City/State/Zip: LANSING, ILL 60438
Telephone: 708-474-1808

WITNESS, DOROTHY BROWN APR 18 2008
DOROTHY BROWN APR 18 2008
DOROTHY BROWN, Circuit Court Clerk

Date of Service: _____
(To be inserted by officer on copy left with Defendant or other person)

SEE REVERSE SIDE

** Service by Facsimile Transmission will be accepted at:

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL COURT FILE

CCM N649-100M-9/15/06 ()

APPEARANCE FEES INCLUDE A COUNTY LAW LIBRARY FEE OF \$13.00, THE COURT AUTOMATION FEE OF \$15.00, A DOCUMENT STORAGE FEE OF \$15.00 AND THE MANDATORY ARBITRATION FEE OF \$10.00 WHERE APPLICABLE.

JURY FEES ARE AS FOLLOWS:

APPEARANCE FEES (BASED ON AMOUNT OF CLAIM)

(ALL CASES; NO DISPUTE RESOLUTION CHARGED)

FORCIBLE DETAINER (POSSESSION ONLY)	\$133.00
\$1500.00 OR LESS	\$133.00
\$1500.00 TO \$15,000.00	\$143.00
MORE THAN \$15,000.00	\$163.00

CLAIMS FOR DAMAGES NOT IN EXCESS OF \$10,000.00

*SIX-PERSON	\$12.50
*TWELVE-PERSON JURY	\$25.00 or
\$12.50 if another party paid for a jury of six	

CLAIMS FOR DAMAGES NOT IN EXCESS OF \$15,000.00

*SIX-PERSON	\$115.00
*TWELVE-PERSON JURY	\$230.00 or
\$115.00 if another party paid for a jury of six	

CLAIMS FOR DAMAGES IN EXCESS OF \$15,000.00

*TWELVE-PERSON JURY	\$230.00
---------------------	----------

*THESE FEES MAY BE WAIVED BY APPROPRIATE COURT ORDER. YOU HAVE THE RIGHT TO FILE A PETITION SEEKING SUCH AN ORDER.

NOTICE TO PLAINTIFF

You MUST select a return day of:

not less than 14 or more than 40 days after issuance of summons if amount claimed is \$5000 or less;

not less than 21 or more than 40 days after issuance of summons if amount claimed is in excess of \$5000.

NOTICE TO DEFENDANT

1. If the complaint is notarized, your answer must be notarized.

For District 1 Cases Only:

2. On the specified Return Day, one of the following may occur:

- a. If you are sued for \$5000.00 or less, you need not file an answer unless ordered to do so by the Court.

- (i) If Plaintiff is not present, the case may be dismissed for want of prosecution.
- (ii) If you have not filed an appearance, or you have filed an appearance and are not present, the Plaintiff may obtain an ex parte default judgment against you for the amount claimed.
- (iii) If you have filed an appearance and are present on Return Day, trial may be held that day, or may be set for another day certain.

- b. If you are sued for more than \$10,000.00, and if you have filed your appearance on time, you must file your answer no later than 10 days after the appearance date (return date) specified on the front of this form. If you have not filed your appearance or answer on time, the Plaintiff may obtain an ex parte default judgment against you for the amount claimed. If Plaintiff is not present for the Default call, the case may be dismissed for want of prosecution. If you filed your appearance and have not filed your answer on time the Plaintiff may motion the court to enter a judgment.

3. Late filing of an appearance or answer will not relieve you from a judgment or default order except by court order.

For District 2, 3, 4, 5 and 6 Cases:

4. If you are sued for more than \$5000.00, you have 10 days from the Return Day to answer or otherwise plea.
5. On the specified Return Day, if you are sued for \$5000.00 or less, you need not file an answer unless ordered to do so by the Court.
6. On the specified Status/Trial Day, one of the following may occur:
 - a. If Plaintiff is not present, the case may be dismissed for want of prosecution.
 - b. If you have not filed an appearance, or you have filed an appearance and are not present, the Plaintiff may obtain an ex parte default judgment against you for the amount claimed.
 - c. If you have filed an appearance and are present on Status/Trial Day, trial may be held that day, or may be set for another day certain.

The following is applicable to District 3 cases only:

7. This case may/may not be heard on the day for appearance specified in summons.
8. If the claim is for personal injury, or is a civil case in which Plaintiff has filed a jury demand, you will be required to file your appearance in person or by attorney Return Day, and your answer as required by Par. 2(b) above. These cases will be assigned and heard in the Civil Jury Room unless otherwise ordered by the Presiding Judge. Neither Plaintiff nor Plaintiff's attorney will be required to be present on Return Day. The case will be set for Status at 9:00 a.m., approximately 60 days from the date of filing. Plaintiff and Defendant will be required to appear in court on that status day.
9. Trial Rights of Property, Detinues, and Revivals of Judgment, Pro Se, and Forcible Detainer suits are returnable in Room _____ and are disposed of on a Return Day unless otherwise ordered by the Court.

Motion - General Form (This form replaces CCMD-39)

CCG N702-150M-1/21/04 (3335092)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MR DAVID POWELL }
Plaintiff(s) }
v. } No. 08 MG-1767
CITIBANK SOUTH DAKOTA }
Defendant(s) }

TO: CITIBANK SOUTH DAKOTA

MOTION BY Plaintiff FOR SERVICE

PURSUANT TO ILCS 5/2-206 SERVICE BY
U.S. MAIL AS THE DEFENDANT IS OUT
OF THE COUNTY OF COOK SINCE 2/1/05

I (We) do hereby certify that a copy of this instrument was served upon all parties who have appeared and have not previously been found by the Court to be in default for failure to plead.

Dated: APRIL, 08 30

Attorney Certification

Atty. No.: 10052

Name: DAVID POWELL

Atty. for: Plaintiff

Address: PO BOX 5222

City/State/Zip: SPRINGFIELD ILL 62768

Telephone: 708-174-1000

Complaint-Verified (This form replaces CCMD-8A)

CCM N008-150M-1/21/04 (3335092)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MR DAVID POWELL

Plaintiff(s)

CITI BANK SOUTH DAKOTA NA
PO BOX 6500

SIOUX FALLS SD 57117-6500

Defendant(s)

No. 08 mlb-1767

Contract

Amount Claimed \$ 12,000 + CC

Return Date 5-13-08

50 5-22-08

COMPLAINT

The Plaintiff(s) claim(s) as follows:

IN THE CIRCUIT COURT OF COOK, COUNTY ILLINOIS
6TH MUNICIPAL DISTRICT

PLAINTIFF'S COMPLAINT AT LAW

I Mr. David Powell motions the Court under the Civil Rules of Procedure for the Defendants Breach of Contract and Negligent Misrepresentation on Citi Credit Card, in which the Plaintiff and Defendant entered into a contract on or about July 2007. The Defendant actions as listed in the exhibits has caused the Plaintiff undo hardship in which the Defendant has increased the Plaintiff's interest rate for no valid reason and has refused to correct this matter. The Plaintiff submits exhibits 1 and 2 and 7 in which there was no late payment or returned check, the Plaintiff submits exhibits exhibits 3 and 4, which states the Defendants negligence. The Plaintiff submits exhibit 5 in which the Plaintiff is listed valued. In support of my Motion of Complaint, the term willful as used in the Fair Credit Reporting Act, by knowingly and intentionally committing acts in conscious disregard for the rights of others, Wiggins vs. Equifax D.D.C. 1993 848F. Supp213 The Plaintiff Prays the Court for relief as listed, and any other means this Court finds equitable and just

I, DAVID POWELL, certify that I am the PLAINTIFF
(Name) (Name of Attorney if applicable)

plaintiff in the above entitled action. The allegations in this complaint are true.

Atty. No.: Pro Se

Pro Se 99500

Dated: APRIL 18, 08

Atty. (or Pro Se Plaintiff)

Name: DAVID POWELLAddress: PO BOX 5282City/State/Zip: LANCASTER, ILL 60438Telephone: 708 474-1808

[Signature]
Signature

☐ Under penalties as provided by law pursuant to 735 ILCS 5/1-109 the above signed certifies that the statements set forth herein are true and correct.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

EXHIBIT 1

PURCHASER'S COPY OF PERSONAL MONEY ORDER DRAWN ON OFFICE SHOWN HEREON

224655

2-7081/2710

DATE JAN 04, 2008

FOR \$100.00

PAID TO

CITICARDS

\$100 DOLLARS AND 00 CENTS

NO REFUND IF LOST IN BLANK. VOID AFTER 90 DAYS.

NOT NEGOTIABLE

The customer procuring the Personal Money Order form, corresponding in number and amount to that shown hereon, agrees to insert thereon in ink, the date, payee, signature, and address, and assumes responsibility for all events made possible by his/her failure to do so.

SAVED FOR YOUR RECORD 60138



⑈ 224655⑈ ⑆ 27107081⑆ 0101000001⑈

EXHIBIT 2

Citi Cards
Customer Service
P.O. Box 6000
The Lakes, NV. 89163-6000

March 24th 2008

Director;

I am writing to inform you of the problems with Customer service, In speaking with represenatives about my interest rate, it is still at nearly 30%. This was supposed to be corrected, as my payment was an official Bank Check dated before the due date and was posted one day late. Please inform this writer by mail within seven business days as to this correction.

Thank-You
Mr. David Powell
P.O. Box 5282
Lansing, ILL 60438

7006 0100 0007 0066 9073

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 0.41
Certified Fee	\$2.65
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 3.06

Postmark Here
03/29/2008
LANSING

Sent To
CITI CARDS CUSTOMER SERVICE
Street, Apt. No.,
or PO Box No. P.O. BOX 6000
City, State, ZIP+4
THE LAKES NV 89163-6000

PS Form 3800, June 2002 See Reverse for Instructions

citi

EXHIBIT 3

Citibank (South Dakota), N.A.
Customer Service Center
P.O. Box 6500
Sioux Falls, SD 57117-6500

March 24, 2008

DAVID M POWELL
PO BOX 5282
LANSING IL 60438-5282

ACCOUNT NUMBER
5424180748548614

Dear DAVID M POWELL:

This letter is in response to your recent inquiry regarding the Annual Percentage Rate (APR) increase on your account.

The increase was due to default under your Card Agreement on your February 12, 2008 statement.

The APR on your account may vary if you default under any Card Agreement that you have with us by failing to make a payment to us when due, exceeding your credit line, or making a payment to us that is not honored by your bank. In such circumstances, we may increase APRs (including any promotional rates) on all balances. Factors considered in determining your default rate may include the length of time your account with us has been open, the existence, seriousness, and timing of defaults under any Card Agreement that you have with us, and other indications of account usage and performance.

We are unable to lower the APR on the account at this time. Your account may again become eligible for a lower APR on new purchases, new cash advances, or both after you have met the terms of all Card Agreements that you have with us for six consecutive months. Your existing balances may remain subject to the default rate until they are paid in full.

If you feel this increase was due to a bank error, please contact Customer Service at 1-800-633-7367 to report any issues with your account.

Please see the enclosed Card Agreement and the following page for specific terms and conditions and the APRs applicable to your account.

Sincerely,

S. Larson

S. Larson
Customer Service

FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE SIDE
Enclosure



EXHIBIT 4

DAVID M POWELL

5424180748548614
March 24, 2008

IMPORTANT ACCOUNT INFORMATION

These charges are imposed in connection with your account. Please refer to the enclosed agreement for more information.

Prime is Reviewed: Billing period		Calculation Method	U.S. Prime Rate Plus	Periodic Rate	Current **Annual Percentage Rate (APR)**
For Balances: (** CURRENTLY IN DEFAULT **)					
	Purchase	Daily	23.990	0.08011	29.240
	Purchase Min	Daily			28.990
	Cash Advance	Daily	23.990	0.08011	29.240
* Your account is currently in default. Your **APR** on purchases and cash advances are shown above. The APR on all Balances will not be higher than 23.990% plus the Prime Rate, or up to 28.990%, whichever is greater. Currently this corresponds to an **APR** of 29.240%, a daily periodic rate of 0.08011%. This rate will not be lower than 28.990% unless we elect a lower rate.					

Membership Fee: \$0 every 12 months			
Minimum Payment: Calculation Method D			
Late Fee (For each late payment, If not received by payment due date)			
Due Date Balances up to \$100		\$15.00	
Due Date Balances of \$100 up to \$250		\$29.00	
Due Date Balances of \$250 or more		\$39.00	
Over Credit Line Fee: \$39, Method B		Stop Payment Fee: \$39	
Returned Check Fee: \$39		Returned Payment Fee: \$39	
Cash Advance Fee: *Finance Charge*	% of Advance	Minimum Amount	Maximum Amount
If obtained at an ATM	3.000%	\$5.00	
If obtained at a bank	3.000%	\$5.00	
If obtained by check	3.000%	\$5.00	
If obtained by other method	3.000%	\$5.00	
Balance Transfer Fee	3.000%	\$5.00	
Foreign Currency Trans Fee: *Finance Charge*	% of Purchase	Minimum Amount	Maximum Amount
For Purchases	3.000%	\$0.00	
This account is subject to arbitration			

Please keep this letter for your records. It is part of your agreement with us.

EXHIBIT 5

**IMPORTANT NOTICE – EXTRA FUNDS NOW AVAILABLE
CALL (708) 596-3810 – GET UP TO \$5,000*!**

David M Powell
PO Box 5282
Lansing, IL 60438-5282



FOR: David M Powell
LOAN AMOUNT: \$5,000
RESPOND BY: 04/30/2008

CALL: (708) 596-3810

I'm writing to notify you that your CitiFinancial office has **SPECIAL FUNDS** available to lend to our valued customers.

Because of the responsible way you've handled your payments, you may qualify for a loan amount of up to \$5,000 – **NOW!**

Since we already know you as a valued customer, you can apply for your loan* with just a phone call. But hurry – **THIS OFFER IS LIMITED:**

- Get an answer right on the phone in about **FIVE MINUTES** in most cases.
- Get your check the **SAME DAY** if approved before noon.
- Choose terms that fit **YOUR BUDGET**.

Just call (708) 596-3810 or stop by your local office at 434 E 162nd St, South Holland, IL 60473. Mention this notice when you call, or bring it with you.

Use your **EXTRA CASH** to pay off credit cards and other bills and have **FEWER PAYMENTS** to worry about. So for **PERSONAL SERVICE** and to apply for the extra money you need, call me now.

Rick Saxour
Rick Saxour
Branch Manager

**IT TAKES JUST MINUTES TO APPLY FOR YOUR LOAN:
CALL (708) 596-3810**

You can visit our web site at www.citifinancial.com

*Application subject to our standard credit criteria. Please see back for important offer details.

A 3005 0434409
80415UC-FR PLACXX-FRRVxxxxx23-DNxx-IL.061-2
ITA-PREX-01 (10/07)



citi financial®

~~CHN~~
~~3405~~

Citi® Diamond Preferred® Rewards Card

2-15-08 Account Activity
100 08 43-44 Dec 13-Jan 11, 2008

Payment Due Date:

02/05/2008 Payment must be received by 5:00 PM local time on the payment due date.

Minimum Amount Due:

\$48.02

Total New Balance:

\$1,886.69

Quick Reference

Total Credit Line \$2,500
Available Credit Line \$613
Cash Advance Limit \$800
Available Cash Limit \$582

Important Account Information

Each Cash Advance is subject to a one-time transaction fee. This fee will cause your Annual Percentage Rate to exceed the nominal Annual Percentage Rate listed on this statement.

NNNN-NNNN-NNNN-NNNN
204050110064310001

EXHIBIT C

citicards.com

Account Member
DAVID M POWELL

Account Number
5424 1807 4854 8614



How to Reach Us
1-800-633-7367

Customer Service
BOX 6000
THE LAKES, NV
89163-6000

citi

Thank You

Points transferred to your
ThankYou Member Account:

2,723

Full details can be found in the ThankYou Points Summary section of this statement.

At a Glance

Previous Balance	Amount Over Credit Line	Past Due	Finance Charges	Total New Balance
\$890.82	\$0.00	\$0.00	\$30.02	\$1,886.69

Payments, Credits and Adjustments

Sale	Post	Description	Amount
	01/07	PAYMENT THANK YOU	-100.00
	12/12	REFUND LATE FEE	-39.00
	12/12	CREDIT FINANCE CHARGES	-14.00

Standard Purchases

Sale	Post	Description	Amount
12/13	12/13	K & G LANSING #706 LANSING IL	91.98
12/14	12/14	STRACK & VAN TIL SPF MUNSTER IN	42.28
12/15	12/15	GAS MART 47 10045065 MUNSTER IN	35.00
12/17	12/17	HOOTERS OF LANSING LANSING IL	9.74
12/18	12/18	STRACK & VAN TIL SPF MUNSTER IN	53.13
12/20	12/20	GAS MART 47 10045065 MUNSTER IN	35.00
12/20	12/20	DIXIE KITCHEN & BAIT S LANSING IL	20.96
12/20	12/20	PERFUMANIA #342 CALUMET CITY IL	60.88
12/21	12/21	FRANK'S BAVARIAN GIFTS CHICAGO IL	49.50
12/21	12/21	MACY'S NORTH #0055 CHICAGO IL	73.16
12/22	12/22	STRACK & VAN TIL SPF MUNSTER IN	67.76

PKV04210108

National City

EXHIBIT 7

National City Bank
Munster Office
9175 Calumet Avenue
Munster, IN 46321
(219) 836-2403

April 11, 2008


Re: David Powell

To Whom It May Concern,

Please accept this letter as proof that check #3405 cleared David Powell's checking account on 02/19/2008.

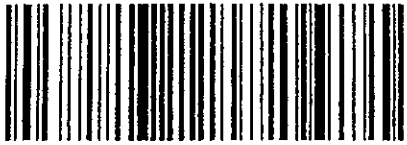
The check was for \$100.00 and was made payable to CITICARDS.

Thank you,



Tony Santana
Vice President/Manager
National City Bank
Phone: 219-836-2403
Fax: 219-836-8411

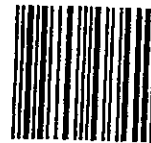
CERTIFIED MAIL™



7005 0390 0000 3705 5695



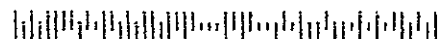
UNITED STATES
POSTAL SERVICE



0000

57117

CITIBANK SOUTHDAKOTA NA
CUSTOMER SERVICE CENTER
P.O. BOX 6500
SIOUX FALLS, SD 57117-6500



JUDGE NORGLE

MAGISTRATE JUDGE COLE

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
SIXTH MUNICIPAL DISTRICT

DAVID POWELL,

Plaintiff,

v.

CITIBANK SOUTH DAKOTA, N.A.,

Defendant.

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Court No. 08 M6 1767

NOTICE OF FILING NOTICE OF REMOVAL OF CIVIL ACTION

TO: Clerk of the Circuit Court of Cook County, Sixth Municipal District
16501 South Kedzie Parkway
Room 119
Markham, IL 60428

PLEASE TAKE NOTICE that there was filed on the 13th day of May, 2008, with the Clerk of the United States District Court for the Northern District of Illinois, Defendant Citibank South Dakota, N.A.'s Notice of Removal of Civil Action, a true copy of which is attached hereto and served upon all parties of record.

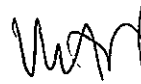
CITIBANK SOUTH DAKOTA, N.A.

By: 
One of its attorneys

Vincent Vigil (#43419)
Gonzalez, Saggio and Harlan, L.L.C.
35 East Wacker Drive, Suite 500
Chicago, Illinois 60601
Phone: 312.566.0040
Fax: 312.566.0041

**CERTIFICATE OF SERVICE ON COUNSEL
AND FILING WITH THE STATE COURT**

Vincent Vigil, an attorney, certifies that the foregoing Notice of Filing, together with Defendant Citibank South Dakota N.A.'s Notice of Removal of Civil Action, were served upon all counsel of record and filed with the Clerk of the Circuit Court of Cook County, Illinois, on the 13th day of May, 2008.



Vincent Vigil